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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,326	12/19/2001	Jamie A. Forrest	60282-025	8147

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EXAMINER

JIANG, CHEN WEN

ART UNIT PAPER NUMBER

3744

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,326	Applicant(s) FORREST, JAMIE A.	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group IV (claims 8-16) in Paper No. 3/29/2004 is acknowledged. The traversal is on the ground(s) that examination of claims 8-16 requires examination of the packing assembly element, which is further detailed in the dependent claims which are also separately claimed in claims 17-20. This is found persuasive; therefore, claims 17-20 are joined with claims 8-16 in this office action. Claims 1-7 have been withdrawn in this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Lacy (U.S. Patent Number 5,577,737).

Lacy discloses a method and apparatus for establishing and maintaining a fluid seal around a polishing rod. Referring to Figs.2 and 3, the assembly comprises an outer cartridge 46, an inner cartridge 44 and packing material 52-68.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacy (U.S. Patent Number 5,577,737) in view of Amorese (U.S. Patent Number 3,582,089).

In regard to claims 8 and 9, Lacy discloses a method and apparatus for establishing and maintaining a fluid seal around a polishing rod. Referring to Figs.2 and 3, the assembly comprises an outer cartridge 46, an inner cartridge 44 and packing material 52-68. In case Applicant does not consider the teeth as angled interface. Amorese discloses the seals 46,48 are wedged interface in the same field of endeavor for the purpose of engage the surfaces. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Lacy with a wedge engagement in view of Amorese so as to have a compressed interface.

In regard to claims 10 and 11, it is noted that applicant recites an inner seal and outer seal include a radius. Upon a close review of applicant's specification, it appears that the claimed range does not have any criticality and/or lead to any new and unexpected results. Also, corner radius in the structure to provide better stress and assembly is well known in the prior art.

Claim 12 provides for the making of apparatus in the apparatus claim, the claim is rejected since it is not part of the apparatus.

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6. Claims 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Dennison Jr. (U.S. Patent Number 5,507,502) in view of Butler et al. (U.S. Patent Number 4,230,325).

Dennison discloses a packing life extending ring. Referring to Fig.3, the assembly comprises plurality pickings p and inner and outer rings 11,18. However, Dennison does not disclose it is non-metallic pickings. Butler et al. disclose the non-metallic material can be use in the same field of endeavor for the purpose to make packing material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Dennison with a non-metallic material in view of Butler et al. to make pickings assembly.

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacy and Amorese as applied to claim 1 above, and further in view of Dennison Jr. (U.S. Patent Number 5,507,502) and Butler et al. (U.S. Patent Number 4,230,325).

Lacy/Amorese disclose the invention substantially as claimed. However, Lacy/Amorese does not disclose wedged packing assembly. Dennison discloses a packing life extending ring. Referring to Fig.3, the assembly comprises plurality packing p and inner and outer rings 11,18. However, Dennison does not disclose it is non-metallic packing. Butler et al. disclose the non-metallic material can be use in the same field of endeavor for the purpose to make packing material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Lacy/Amorese with a non-metallic wedged packing in view of Dennison Jr./Butler et al. to make packing assembly.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (703) 308-0275.

The examiner can normally be reached on Tuesday-Friday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner

